

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALBERT D. SEENO, JR.,

Plaintiff,

vs.

TAD J. PUCKETT, d/b/a
White Elk Ranch,

Defendant.

7:14CV5003

ORDER

This matter is before the court on the plaintiff's April 30, 2014, response (Filing No. 5) to the court's April 24, 2014, Order (Filing No. 3).

The plaintiff filed this action on April 23, 2014, in the United States District Court for the District of Nebraska. **See** Filing No. 1. The plaintiff alleges jurisdiction rests in this court based on diversity of citizenship and the amount in controversy exceeds \$75,000, as required by 28 U.S.C. § 1332. *Id.* at 1. The plaintiff seeks specific performance of the contract, alleging no specific amount of damages. *Id.* ¶ 14. In the original complaint the plaintiff alleged damages existed based on a breach of contract for the purchase of three rams, which were priced at \$20,000 each. *Id.* ¶ 13; Ex. 3.

On April 24, 2014, the court required the plaintiff to show cause why the complaint should not be summarily dismissed for lack of subject matter jurisdiction based on the deficient jurisdictional amount. **See** Filing No. 3. On April 30, 2014, the plaintiff amended the complaint to allege the rams are worth \$30,000 each. **See** Filing No. 4 - Amended Complaint. The plaintiff argues evidence of the current listing price for the rams is sufficient to establish jurisdiction in this court.

The court finds the plaintiff has sufficiently plead the requisite jurisdictional amount to proceed without summary dismissal of the complaint subject to redetermination if and when appropriate.

IT IS SO ORDERED.

Dated this 1st day of May, 2014.

BY THE COURT:
s/ Thomas D. Thalken
United States Magistrate Judge